



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 11, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0167

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders	Not Sustained - Lawful and Proper (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders	Not Sustained - Lawful and Proper (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant requested Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) serve a temporary protection order (TPO) against his property manager (Community Member #1 or CM#1). The Complainant alleged that the named employees refused to serve the TPO. The Complainant further alleged that NE#1 threatened to arrest him and was anti-Semitic.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case. OPA also did not interview the Complainant because OPA, with OIG's agreement, believed an interview with the Complainant would not change the outcome of this complaint.



On May 23, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received an OPA complaint and opened an investigation, reviewing body-worn video (BWV), the incident report, and court records.

A. OPA Complaint

An acting sergeant filed an OPA complaint on the Complainant's behalf. The Complainant reported that on April 12, 2023, he flagged down NE#1—a sergeant—and asked him to serve a TPO. The Complainant reported that NE#1, NE#2, and NE#3 refused, and NE#1 threatened him with arrest. The Complainant also reported that NE#1 was anti-Semitic.

B. Body-Worn Video (BWV) and Incident Report

NE#1's, NE#2's, and NE#3's BWV captured their interactions with the Complainant. The Complainant approached NE#1, said he had a TPO against CM#1 and wanted NE#1 to serve CM#1. The Complainant said CM#1 threatened him with weapons. As NE#1 reviewed the Complainant's TPO, the Complainant insisted that CM#1 violated the TPO.

NE#1 located CM#1 inside the apartment building. CM#1 said she and other residents had protection orders against the Complainant. NE#1 expressed concern about dueling protection orders and the validity of the Complainant's TPO based on scratched-out language, an order to surrender weapons, and minors listed. Outside the building, NE#2 verified the TPO's validity and told the Complainant that the TPO was missing a return of service. NE#2 also told the Complainant that he had three protection orders against him, which the Complainant refuted.

NE#1 and CM#1 discussed CM#1's protection order against the Complainant. NE#2 approached and said that the Complainant's TPO was valid. NE#1 said that the Complainant went to a different court than where CM#1 went, so the court that the Complainant went to would not have known about CM#1's protection order. NE#1 also said that he would not serve the Complainant's TPO based on the conflicting protection orders and the Complainant's TPO being "the worst one [he had] ever seen filled out." The named employees discussed errors in the Complainant's TPO, like an incorrect physical description of CM#1 and two minor children residing with the Complainant, even though the senior housing facility where he resided did not allow children to live there. NE#1 called the Domestic Violence Unit, which said it must review the TPO for validity and completeness before service.

NE#1 and NE#3 gave the Complainant SPD's court order service phone number. The Complainant made several allegations against other residents and denied being served protection orders. NE#3 said the Complainant was served and must abide by CM#1's protection order. NE#1 told the Complainant to stay 50 feet from CM#1 or he would be arrested.

NE#3 wrote an incident report consistent with the events captured on BWV.



C. Court Records

The Complainant's petition for an anti-harassment protection order named CM#1 as the respondent. The Complainant listed two children in the petition. The Complainant wrote that CM#1 carried weapons, threatened him, attempted to drive him out of his residence, and was an "extremely dangerous individual full of vengeance, hate, and anti-Semitic racist violent behaviors seeking revenge." The Complainant asked the court to order CM#1 to surrender weapons. The Complainant's petition was dated April 9, 2023.

The King County Superior Court granted the Complainant a TPO on April 11, 2023, and provided April 25, 2023, as the next hearing date. The TPO required service on CM#1, who "must be served with a service packet, including a copy of this order, the petition, and any supporting materials filed with the petition." The TPO also stated, "The law enforcement agency where the restrained person lives or can be served shall serve the restrained person with the service packet and shall promptly complete and return proof of service to this court."

Witness Officer #1 (WO#1)—assigned to SPD's DV Order Service and Firearms Recovery Unit—filed a "Proof of Service" document with the King County Superior Court, stating that WO#1 served CM#1's attorney the petition for the protection order, the TPO and hearing notice, an order to surrender and prohibit weapons, and a blank law enforcement and confidential information form. WO#1 also wrote, "It should be noted, [the Complainant] refuses service of orders against him on [a] regular basis. Info in Petition is false." WO#1 signed and dated the document on April 18, 2023—six days after the incident date of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional by threatening to arrest him.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Additionally, employees must "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.* "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person." *Id.*

Here, NE#1 said he would arrest the Complainant if he came within 50 feet of CM#1, which the Complainant considered a threat. NE#1 previously reviewed CM#1's protection order against him, and the Complainant denied being served with CM#1's protection order. NE#1 conveyed information in CM#1's protection order to the Complainant. Violating a protection order is an arrestable offense. NE#1's communication with the Complainant was an accurate warning, not an unprofessional threat to arrest.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**



Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatments based on the race of the subject. *See id.*

Here, the Complainant alleged NE#1 was anti-Semitic. OPA’s review of BWV capturing the interaction between NE#1 and the Complainant uncovered no evidence to support the Complainant’s allegation. Instead, NE#1 attempted to ascertain the validity of the Complainant’s TPO after noticing irregularities in it. Rather than disregard the Complainant’s TPO, NE#1 called the DV Unit, which advised NE#1 that the Complainant should contact the DV Unit so it could review the TPO for validity and completeness. NE#1 and NE#3 conveyed this information to the Complainant. NE#1 also attempted to investigate what appeared to be two conflicting protection orders. No evidence suggests NE#1 treated the Complainant differently based on his race.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 – Allegation #3

15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders

The Complainant alleged that NE#1 refused to serve a court order.

Domestic Violence Unit officers and patrol officers will serve court orders. SPD Policy 15.400-POL-4. If the respondent is served in the petitioner’s presence, officers must take reasonable steps to determine that the respondent understands the order and to ensure the respondent separates. *Id.* Officers must document the steps taken. *Id.* Officers may not serve expired or unsigned court orders. *Id.*

Here, the named employees refused to serve the Complainant’s TPO. However, their refusal was based on missing documentation and concerns regarding the legitimacy of the TPO. First, the TPO required CM#1 to be served with a complete service packet, but the Complainant only provided NE#2 the TPO and petition for the protection order, not a service packet. Second, although NE#2 confirmed the TPO’s validity, the named employees noted numerous errors and omissions in the TPO and believed the court that the Complainant went to may not have been aware of a conflicting protection order that a different court granted to CM#1. Upon the DV Unit’s advice, NE#1 and NE#3 advised the Complainant to call the DV Unit so it could review the TPO for validity and completeness before serving CM#1. A member from that unit served CM#1 six days later. Under these circumstances, the named employees’ refusal to serve the Complainant’s TPO on CM#1 was warranted.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**



Named Employee #2 – Allegation #1

15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders

The Complainant alleged that NE#2 refused to serve a court order.

For the reasons at Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #3 – Allegation #1

15.400 – Domestic Violence Court Orders POL-4. Officers Will Serve Court Orders

The Complainant alleged that NE#3 refused to serve a court order.

For the reasons at Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**